

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ELWOOD H. JONES, JR.,

Petitioner,

-vs-

MARGARET BAGLEY, Warden,

Respondent.

:

Case No. 1:01-cv-564

:

District Judge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz

:

ORDER SETTING EVIDENTIARY HEARING

This capital habeas corpus case was filed August 24, 2001 (Doc. No. 1). It relates to a crime which occurred in 1994. *State v. Jones*, 90 Ohio St. 3d 403 (2000). On December 8, 2006, the Court granted Petitioner's Motion for Evidentiary Hearing and directed counsel to consult with the Court's Judicial Assistant to confirm the required length of and dates for the hearing (Doc. No. 88). As of the date of this Order, counsel have not complied with that direction.

Accordingly, it is hereby ORDERED that the evidentiary hearing in this case be set for four days commencing May 14, 2007. **Any motion to modify this date based on any scheduling conflict of an attorney or witness which exists as of the date of this Order must be filed not later than February 16, 2007, and must include proposed alternative dates which will accommodate all needed witnesses and counsel.** The Court will defer to previously set matters in other courts of record or with other judges of this Court.

Petitioner is reminded that, if he desires to be present for the hearing, his presence must be obtained by a timely petition for writ of habeas corpus ad testificandum.

February 6, 2007.

s/ Michael R. Merz
Chief United States Magistrate Judge